

**REGULAR COUNCIL MEETING
CITY OF WATERTOWN**

August 2, 2004

7:00 P.M.

MAYOR JEFFREY E. GRAHAM PRESIDING

PRESENT: **COUNCILMAN STEPHEN J. BRADLEY**
 COUNCILWOMAN ROXANNE M. BURNS
 COUNCILMAN PETER L. CLOUGH
 COUNCILMAN TIMOTHY R. LABOUF
 MAYOR GRAHAM

ALSO PRESENT: **CITY MANAGER MARY M. CORRIVEAU**
 ATTORNEY ROBERT J. SLYE

City Manager Corriveau presented the following reports to the Council:

- 1 - Approving An Agreement for Public Services for the Provision of Restrooms at 1605 Huntington Street for Users of Waterworks Park
- 2 - Approving Change Order No. 1 to Contract for Construction of DPW/Bus Maintenance and Storage Facility, General Construction, Bette & Cring, LLC
- 3 - Approving Change Order No. 1 to Contract for Construction of DPW/Bus Maintenance and Storage Facility, HVAC, Falso Service Experts, LLC
- 4 - Approving Change Orders Nos. 1-4 to Contract for Construction of DPW/Bus Maintenance and Storage Facility, Plumbing and Fire Protection, Burns Bros. Contractors, Inc.
- 5 - Approving Change Order No. 2 to Contract for Replacement of Pearl Street Bridge, Tuscarora Construction Company
- 6 - Approving Bid for Roof Replacements, Commercial Roofing & Sheet Metal, Inc.
- 7 - Finding that the Approval of the Zone Change Application of Father Richard Kennedy to Change the Approved Zoning Classification of 617 Davidson Street, 320-332 W. Lynde Street, and 668 Thompson Street, Parcels No. 2-04-101 through 2-04-105 from Residence "B" District to Residence "C" District Will Not Have a Significant Impact on the Environment
- 8 - Authorizing the Issuance of \$45,000 Serial Bonds of the City of Watertown, Jefferson County, New York, to Pay the Cost of the Replacement of the Mill Street Fire Station Roof, In and For Said City of Watertown
- 9 - Authorizing the Issuance of \$58,000 Serial Bonds of the City of Watertown, Jefferson County, New York to Pay the Cost of the Replacement of the Flynn Pool Bathhouse Roof, In and For Said City of Watertown
- 10 - Authorizing the Issuance of \$100,000 Serial Bonds of the City of Watertown, Jefferson County, New York to Pay the Cost of the Replacement of the Administration Building Roof at the Department of Public Works' Newell Street Facility, In and For Said City

- 11 - Authorizing the Issuance of \$65,000 Serial Bonds of the City of Watertown, Jefferson County, New York, to Pay the Cost of the Replacement of the Vehicle and Equipment Storage Building Roof at the Department of Public Works' Newell Street Facility, In and For Said City
- 12 - 7:30 p.m. – Local Law No. 3 of 2004
- 13 - 7:45 p.m. – Approving the Zone Change Request Submitted by Father Richard Kennedy, Pastor of Our Lady of the Sacred Heart Church, to Change the Approved Zoning Classification of 617 Davidson Street, 320-332 W. Lynde Street, and 668 Thompson Street, Parcels No. 2-04-101 through 2-04-105 from Residence “B” District to Residence “C” District
- 14 - Tabled Resolution – Accepting Proposal of Green & Seifter, CPAs, PLLC, for Auditing Services
- 15 - Annual Report – Assessment Department
- 16 - Annual Report – Police Department
- 17 - Annual Report – Fire Department
- 18 - Presentation by City Assessor Marlene Norfolk – Update on Annual Reassessment Plan

COMPLETE REPORTS ON FILE IN THE OFFICE OF THE CITY CLERK

Meeting opened with a moment of silence.

Pledge of Allegiance was given.

The reading of the minutes of the regular meeting of July 19, 2004 was dispensed with as written and accepted as written by motion of Councilwoman Burns, seconded by Councilman Bradley and carried with all voting in favor thereof.

C O M M U N I C A T I O N S

Minutes were received from the library's board meeting

ABOVE PLACED ON FILE

A petition was received asking for additional signage along Starbuck Avenue from the intersection of W. Main to Seaway Plaza. The petitioners also ask for more police presence due to excessive speeding in this residential area.

ABOVE PLACED ON FILE

Mayor Graham presented City Assessor Marlene Norfolk with a Certificate of Appreciation for her 36 years of service with the City.

Mrs. Corriveau presented Mrs. Norfolk with a candlestick to symbolize her many years as lighting the way for others to follow.

PRIVILEGE OF THE FLOOR

Wayne Zimmer, 139 Katherine Street, addressed the chair thanking Councilman Clough and Councilwoman Burns for their assistance with a situation he was working on.

PUBLIC HEARINGS

AT 7:30 P.M. MAYOR GRAHAM ASKED THE CITY CLERK TO READ THE NOTICE OF PUBLIC HEARING CONCERNING LOCAL LAW NO. 3 OF 2004 AMENDING CITY CODE SECTION 253-17- SEWER RATES.

MAYOR GRAHAM DECLARED THE HEARING OPEN.

Jennie Adsit, 421 Tilden Street, addressed the chair in opposition to the proposed increase. She stated that she had received several phone calls about the increase and stated that when the sewer tax went into affect in 1961, it was stated that this would only be temporary. She stated that there was a 27% increase just two years ago and with this current increase it will make the rate close to 100%.

MAYOR GRAHAM DECLARED THE HEARING CLOSED AT 7:32 P.M.

AT 7:45 P.M. MAYOR GRAHAM ASKED THE CITY CLERK TO READ THE NOTICE OF PUBLIC HEARING CONCERNING A ZONE CHANGE REQUEST SUBMITTED ON BEHALF OF SACRED HEART CHURCH TO CHANGE THE APPROVED ZONING CLASSIFICATION OF 617 DAVIDSON STREET, 320-332 W. LYNDE STREET AND 668 THOMPSON STREET, PARCELS NO. 2-04-101 THROUGH 2-04-105 FROM RESIDENCE "B" DISTRICT TO RESIDENCE "C" DISTRICT.

MAYOR GRAHAM DECLARED THE HEARING OPEN.

Mr. Mix explained the zoning map for this area.

No one spoke

MAYOR GRAHAM DECLARED THE HEARING CLOSED AT 7:46P.M.

RESOLUTIONS

INTRODUCED BY COUNCILMAN TIMOTHY R. LABOUF

WHEREAS Riverside Gardens LLC is willing to dedicate restrooms that it owns at 1605 Huntington Street for public use in return for the City of Watertown constructing water and sewer laterals to the restrooms, and

WHEREAS an Agreement for Public Services has been drafted, a copy of which is attached and made part of this resolution,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York that it hereby approves the Agreement for Public Services, and

BE IT FURTHER RESOLVED that the City Manager, Mary M. Corriveau, is hereby authorized and directed to execute the Agreement on behalf of the City of Watertown.

**SECONDED BY COUNCILMAN STEPHEN J. BRADLEY AND CARRIED
WITH ALL VOTING YEA**

Referring to the foregoing resolution, Councilman Bradley asked who would be responsible for the maintenance of the facility.

Mrs. Corriveau explained that it would be the responsibility of the property owners.

Mayor Graham commented that this arrangement is a slippery slope when we say that the public can use it, therefore we will put in the lateral at the City's expense. He stated that he supports the commitment to improving the area, however he has no level of enthusiasm for this type of contract. He stated it is more of a contrivance. He also advised that another business, a rafting concern off West Main, has already approached the City about doing the same thing for them.

Attorney Slye explained that he is comfortable from a legal point of view with this because the City is providing public restrooms through this arrangement. He stated that it doesn't lead into an equal protection argument as it is up to Council to decide if there is a public service in doing so.

Mayor Graham remarked that it is the City's stated policy that property owners are responsible for the laterals.

Attorney Slye responded that it is also the City's stated policy that a restroom is the property owners and not for public use. Therefore, this arrangement allows for the City to provide a public service.

Councilwoman Burns remarked that she understands Mayor Graham's concerns. However, the goal has always been to have redevelopment in this area along the river and this will aid in that.

Councilman Clough asked if the agreement with Mr. Hiller had been in writing.

Mrs. Corriveau explained that it was verbal. However, it was stated in numerous meetings and in discussions held with the property owners. She also explained that the

City had no restrooms in Waterworks Park. This land is next to it and people using the park could have access to the facilities.

Mr. Mix explained that the funding for the park did not include restrooms. With the building of this facility, the City doesn't have to pay for it and won't have to maintain it.

Councilman Clough remarked that the restrooms at the Veterans' Walkway are in bad shape. He questioned what the upkeep in this facility would be.

Mrs. Corriveau explained that the owners of the property will be right across from it and will see what is going on there, unlike the Veteran's Walkway where it isn't monitored all the time.

Councilman Clough questioned this arrangement versus the fact that people on Merline Avenue have no water pressure and the City is talking to the property owners about their costs to fix the problem.

Mayor Graham remarked that this arrangement is an inducement for economic development.

Mrs. Corriveau remarked that the kayaking trials are going to be held here. There is always talk about using the river and now we have individuals who want to invest their dollars in it.

Councilman Bradley commented that he was up at Thompson Park this weekend and the City doesn't have time to maintain the restrooms facilities that they now have.

Councilman Clough asked if the City would be there to help the private resident.

Councilwoman Burns remarked that in the future the City needs to see if it really is a public benefit.

Mayor Graham remarked that he wants to have the City steer clear of this avenue in the future. He stated that it is the methodology that he questions.

INTRODUCED BY COUNCILMAN COUNCILWOMAN ROXANNE M. BURNS

WHEREAS on August 18, 2003, the City Council of the City of Watertown approved the bid submitted by Bette & Cring, LLC, 18438 U.S. Route 11, Watertown, New York, in the amount of \$2,848,000 for General Construction associated with the construction of a new DPW/Bus Maintenance and Storage Facility, and Transit Facility, and

WHEREAS Interim City Engineer Gary Pilon has submitted for City Council consideration Change Order No. 1 to the contract, and

WHEREAS this is a **credit** Change Order in the amount of \$2,000,

NOW THEREFORE BE IT RESOLVED that the City Council of the city of Watertown hereby approves Change Order No. 1 to the General construction contract with Bette & Cring, LLC, in the amount of (\$2,000), a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that City Manager Mary M. Corriveau is hereby authorized and directed to execute the Change Order documents on behalf of the City of Watertown.

SECONDED BY COUNCILMAN STEPHEN J. BRADLEY AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCILWOMAN ROXANNE M. BURNS

WHEREAS on August 18, 2003, the City Council of the City of Watertown approved the bid submitted by Falso Service Experts, LLC, 5089 Whirlybird Lane, E. Syracuse, New York, in the amount of \$375,954 for HVAC associated with the construction of a new DPW/Bus Maintenance and Storage Facility, and Transit Facility, and

WHEREAS Interim City Engineer Gary Pilon has submitted for City Council consideration Change Order No. 1 to the contract, which covers the installation of a vehicle exhaust system, and

WHEREAS this is a Change Order in the amount of \$9,882.18,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves Change Order No. 1 to the HVAC contract with Falso Service Experts, LLC in the amount of \$9,882.18, a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that City Manager Mary M. Corriveau is hereby authorized and directed to execute the Change Order documents on behalf of the City of Watertown.

SECONDED BY COUNCILMAN STEPHEN J. BRADLEY AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCILWOMAN ROXANNE M. BURNS

WHEREAS on August 18, 2003, the City Council of the City of Watertown approved a bid submitted by Burns Bros. Contractors, Inc., 7504 US Hwy. 11, Potsdam, New York 13676, in the amount of \$349,000 for Plumbing & Fire Protection associated

with the construction of a new DPW/Bus Maintenance and Storage Facility, and Transit Facility, and

WHEREAS in connection with that project, City Engineer Gary Pilon has submitted the attached Change Orders Nos. 1 – 4 for consideration by the City Council, and

WHEREAS the total cost associated with these change Orders is \$6,075,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown approves Changes Orders Nos. 1-4 to the Plumbing & Fire Protection contract with Burns Bros. Contractors, Inc, associated with the construction of a new DPW/Bus Maintenance and Storage Facility, and Transit Facility, copies of which are attached and made of part of this resolution, and

BE IT FURTHER RESOLVED that City Manager Mary M. Corriveau is hereby authorized and directed to execute the Change Order documents on behalf of the City of Watertown.

SECONDED BY COUNCILMAN STEPHEN J. BRADLEY AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCILMAN PETER L. CLOUGH

WHEREAS on February 17, 2004, the City Council of the City of Watertown approved a bid submitted by Tuscarora Construction Company, 4530 US Route 11, PO Box 520, Pulaski, New York 13142, in the amount of \$1,889,527.40 associated with the replacement of the Pearl Street Bridge, and

WHEREAS since the awarding of the original contract, the City Council has approved a Change Order in the amount of \$25,025.00 in connection with that project, and

WHEREAS City Engineer Gary Pilon has submitted for Council consideration, the attached Change Order No. 2, which covers both changes in quantities in unit priced bid items and some additional work performed, and

WHEREAS the total cost associated with this change Order is \$63,245.34,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown approves Changes Order No. 2 to the contract with Tuscarora Construction Company, associated with the replacement of the Pearl Street Bridge, a copy of which is attached and made part of this resolution, and

BE IT FURTHER RESOLVED that City Manager Mary M. Corriveau is hereby authorized and directed to execute the Change Order documents on behalf of the City of Watertown.

SECONDED BY COUNCILMAN TIMOTHY R. LABOUF AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCILWOMAN ROXANNE M BURNS

WHEREAS the City Purchasing Department advertised and received sealed bids for the replacement of four (4) roofs, per City specifications, and

WHEREAS bids plans were issued to nine (9) prospective bidders, and

WHEREAS the three (3) bids received, were publicly opened and read on Wednesday, July 21, 2004, at 11:00 a.m., and

WHEREAS City Purchasing Agent Robert J. Cleaver has reviewed the bid results with the City Engineering Department and they are recommending that the City Council approve the bid submitted by Commercial Roofing & Sheet Metal, Inc., including alternates, as the lowest bidder meeting the City's specifications,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approved the bid submitted by Commercial Roofing & Sheet Metal, Inc., including alternates, in the amount of \$251,000, and

BE IT FURTHER RESOLVED that the awarding of this bid is contingent on City Council approval of the bond ordinances to fund these projects, and

BE IT FURTHER RESOLVED that Mayor Jeffrey E. Graham is hereby authorized and directed to execute any contract documents associated with this bid award.

SECONDED BY COUNCILMAN STEPHEN J. BRADLEY AND CARRIED WITH ALL VOTING YEA

Prior to the vote on the foregoing resolution, Mrs. Corriveau and Attorney Slye explained the history of the State St. and Mill St. roofs. Attorney Slye explained that the warranty was voided because the City did work on the roof and they were not certified to do so. Mrs. Corriveau explained that the State St. roof is fine, but the Mill St. roof needs repair.

Mayor Graham commented that this is the type of thing that was discussed during budget as being considered current year's expense and should not involved bonding.

Mrs. Corriveau advised the Council that staff agrees with this. However, the bonding ordinances allow the Comptroller to bond if the need arises. It doesn't mean that he will

borrow the money. But, it authorizes him to move forward with it, if that is was needs to be done.

INTRODUCED BY COUNCILMAN TIMOTHY R. LABOUF

WHEREAS the City Council of the City of Watertown, New York has before it an ordinance for the zone change application of Father Richard Kennedy, Pastor of Our Lady of the Sacred Heart Church, to change the approved zoning classification of 617 Davidson Street, 320-332 W. Lynde Street and 668 Thompson Street, Parcels No. 2-04-101 through 2-04-105 from Residence “B” District to Residence “C” District, and

WHEREAS the City Council must evaluate all proposed actions submitted for its consideration in light of the State Environmental Quality Review Act (SEQRA), and the regulations promulgated pursuant thereto, and

WHEREAS the adoption of the proposed ordinance would constitute such an “Action” and

WHEREAS the City Council has determined that the proposed ordinance is an “Unlisted Action” as that term is defined in 6NYCRR Section 617.2(ak), and

WHEREAS there are no other involved agencies for SEQRA review as that term is defined in 6NYCRR Section 617.2(s), and

WHEREAS to aid the City Council in its determination as to whether the proposed zone change will have a significant effect on the environment, Part 1 of the Short Environmental Assessment Form has been prepared by Father Richard Kennedy, a copy of which is attached and made part of this resolution,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York that:

1. Based upon its examination of the Short Environmental Assessment Form and comparison of the proposed action with the criteria set forth in 6NYCRR Section 617.7, no significant impact on the environment is known and the adoption of the zone change will not have a significant effect on the environment.

2. The Mayor of the City of Watertown is authorized to execute the Environmental Assessment Form to the effect the City Council is issuing a Negative Declaration under SEQRA.

3. This resolution shall take effect immediately.

SECONDED BY COUNCILMAN STEPHEN J. BRADLEY AND CARRIED WITH ALL VOTING YEA

MOTION WAS MADE BY COUNCILMAN CLOUGH TO TAKE FROM THE TABLE THE RESOLUTION “ACCEPTING PROPOSAL OF GREEN & SEIFTER, CPAs, PLLC, FOR AUDITING SERVICES (Introduced on July 19, 2004; tabled; appears in its entirety on page 148 of the 2004 Minutes Book).

MOTION WAS SECONDED BY COUNCILMAN BRADLEY AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

AT THE CALL OF THE CHAIR VOTE WAS TAKEN ON THE FOREGOING RESOLUTION AND CARRIED WITH ALL VOTING YEA EXCEPT COUNCILWOMAN BURNS AND COUNCILMAN BRADLEY VOTING NAY

Prior to the vote on the foregoing resolution, Councilman Burns remarked that she had already made her thoughts clear concerning awarding this to a Syracuse firm.

ORDINANCES

INTRODUCED BY COUNCILMAN PETER J. CLOUGH

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; and

WHEREAS, it is now desired to authorize the financing of such capital project;
NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Watertown, Jefferson County, New York, as follows:

Section 1. For the specific object or purpose of paying the cost of the replacement of the Mill Street Fire Station roof, in and for the City of Watertown, Jefferson County, New York, including incidental expenses in connection therewith, there are hereby authorized to be issued \$45,000 serial bonds of said City pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid specific object or purpose is \$45,000 and that the plan for the financing thereof is by the issuance of the \$45,000 serial bonds of said City authorized to be issued pursuant to this bond ordinance.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is 25 years, pursuant to subdivision 12 of paragraph a of Section 11.00 of the Local Finance Law, as said building is a class “A” building within the meaning of subdivision 11 of said paragraph a.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the City Comptroller, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Comptroller, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said City of Watertown, Jefferson County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the City of Watertown, Jefferson County, New York, by the manual or facsimile signature of the City Comptroller and a facsimile of its corporate seal shall be imprinted thereon and may be attested by the manual or facsimile signature of the City Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the City Comptroller, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of the City, provided, however, that in the exercise of these delegated powers, he shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the City Comptroller shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the City by the facsimile signature of the City Comptroller, providing for the manual countersignature of a fiscal agent or of a designated official of the City), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the City Comptroller. It is hereby determined that it is to the financial advantage of the City not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and

shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the City Comptroller shall determine.

Section 9. This ordinance shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this ordinance, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 11. This ordinance, which takes effect immediately, shall be published in full in the Watertown Daily Times, the official newspaper, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

**SECONDED BY COUNCILMAN STEPHEN J. BRADLEY AND CARRIED
WITH ALL VOTING YEA EXCEPT MAYOR GRAHAM VOTING NAY**

(Unanimous consent moved by motion of Councilman Clough, seconded by Councilman Bradley and carried with all voting in favor thereof.)

INTRODUCED BY COUNCILMAN PETER J. CLOUGH

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; and

WHEREAS, it is now desired to authorize the financing of such capital project;

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Watertown, Jefferson County, New York, as follows:

Section 1. For the specific object or purpose of paying the cost of the replacement of the Flynn Pool Bathhouse roof, in and for the City of Watertown, Jefferson County, New York, including incidental expenses in connection therewith, there are hereby authorized

to be issued \$58,000 serial bonds of said City pursuant to the provisions of the Local Finance Law

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid specific object or purpose is \$58,000 and that the plan for the financing thereof is by the issuance of the \$58,000 serial bonds of said City authorized to be issued pursuant to this bond ordinance

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is 25 years, pursuant to subdivision 12 of paragraph a of Section 11.00 of the Local Finance Law, as said building is a class "A" building within the meaning of subdivision 11 of said paragraph a.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the City Comptroller, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Comptroller, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said City of Watertown, Jefferson County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the City of Watertown, Jefferson County, New York, by the manual or facsimile signature of the City Comptroller and a facsimile of its corporate seal shall be imprinted thereon and may be attested by the manual or facsimile signature of the City Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the City Comptroller, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of the City, provided, however, that in the exercise of these delegated powers, he shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the City Comptroller shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording

of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the City by the facsimile signature of the City Comptroller, providing for the manual countersignature of a fiscal agent or of a designated official of the City), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the City Comptroller. It is hereby determined that it is to the financial advantage of the City not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the City Comptroller shall determine.

Section 9. This ordinance shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this ordinance, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 11. This ordinance, which takes effect immediately, shall be published in full in the Watertown Daily Times, the official newspaper, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

**SECONDED BY COUNCILMAN STEPHEN J. BRADLEY AND CARRIED
WITH ALL VOTING YEA EXCEPT MAYOR GRAHAM VOTING NAY**

(Unanimous consent moved by motion of Councilman Clough, seconded by Councilman Bradley and carried with all voting in favor thereof.)

INTRODUCED BY COUNCILMAN PETER J. CLOUGH

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; and

WHEREAS, it is now desired to authorize the financing of such capital project;

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Watertown, Jefferson County, New York, as follows:

Section 1. For the specific object or purpose of paying the cost of the replacement of the Administration Building roof at the Department of Public Works' Newell Street Facility, in and for the City of Watertown, Jefferson County, New York, including incidental expenses in connection therewith, there are hereby authorized to be issued \$100,000 serial bonds of said City pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid specific object or purpose is \$100,000 and that the plan for the financing thereof is by the issuance of the \$100,000 serial bonds of said City authorized to be issued pursuant to this bond ordinance.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is 25 years, pursuant to subdivision 12 of paragraph a of Section 11.00 of the Local Finance Law, as said building is a class "A" building within the meaning of subdivision 11 of said paragraph a.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the City Comptroller, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Comptroller, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said City of Watertown, Jefferson County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the City of Watertown, Jefferson County, New York, by the manual or facsimile signature of the City Comptroller and a facsimile of its corporate seal shall be imprinted thereon and may be attested by the manual or facsimile signature of the City Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the City Comptroller, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of the City, provided, however, that in the exercise of these delegated powers, he shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the City Comptroller shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the City by the facsimile signature of the City Comptroller, providing for the manual countersignature of a fiscal agent or of a designated official of the City), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the City Comptroller. It is hereby determined that it is to the financial advantage of the City not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the City Comptroller shall determine.

Section 9. This ordinance shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this ordinance, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 11. This ordinance, which takes effect immediately, shall be published in full in the Watertown Daily Times, the official newspaper, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

**SECONDED BY COUNCILMAN STEPHEN J. BRADLEY AND CARRIED
WITH ALL VOTING YEA EXCEPT MAYOR GRAHAM VOTING NAY**

(Unanimous consent moved by motion of Councilman Clough, seconded by Councilman Bradley and carried with all voting in favor thereof.)

INTRODUCED BY COUNCILMAN PETER J. CLOUGH

WHEREAS, it is now desired to authorize the financing of such capital project;

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Watertown, Jefferson County, New York, as follows:

Section 1. For the specific object or purpose of paying the cost of the replacement of the vehicle and equipment storage building roof at the Department of Public Works' Newell Street Facility, in and for the City of Watertown, Jefferson County, New York, including incidental expenses in connection therewith, there are hereby authorized to be issued \$65,000 serial bonds of said City pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid specific object or purpose is \$65,000 and that the plan for the financing thereof is by the issuance of the \$65,000 serial bonds of said City authorized to be issued pursuant to this bond ordinance.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is 25 years, pursuant to subdivision 12 of paragraph a of Section 11.00 of the Local Finance Law, as said building is a class "A" building within the meaning of subdivision 11 of said paragraph a.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the City Comptroller, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Comptroller, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said City of Watertown, Jefferson County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on

such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the City of Watertown, Jefferson County, New York, by the manual or facsimile signature of the City Comptroller and a facsimile of its corporate seal shall be imprinted thereon and may be attested by the manual or facsimile signature of the City Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the City Comptroller, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of the City, provided, however, that in the exercise of these delegated powers, he shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the City Comptroller shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the City by the facsimile signature of the City Comptroller, providing for the manual countersignature of a fiscal agent or of a designated official of the City), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the City Comptroller. It is hereby determined that it is to the financial advantage of the City not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the City Comptroller shall determine.

Section 9. This ordinance shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this ordinance, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 11. This ordinance, which takes effect immediately, shall be published in full in the Watertown Daily Times, the official newspaper, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

SECONDED BY COUNCILMAN STEPHEN J. BRADLEY AND CARRIED WITH ALL VOTING YEA EXCEPT MAYOR GRAHAM VOTING NAY

(Unanimous consent moved by motion of Councilman Clough, seconded by Councilman Bradley and carried with all voting in favor thereof.)

THE ORDINANCE “APPROVING THE ZONE CHANGE REQUESTED SUBMITTED BY FATHER RICHARD KENNEDY, PASTOR OF OUR LADY OF THE SACRED HEART CHURCH TO CHANGE THE APPROVED ZONING CLASSIFICATION OF 617 DAVIDSON STREET, 320-332 W. LYNDE STREET AND 668 THOMPSON STREET, PARCELS NO. 2-04-101 THROUGH 2-04-105 FROM RESIDENCE “B” DISTRICT TO RESIDENCE “C” DISTRICT” WAS PRESENTED TO COUNCIL (Introduced on July 19, 2004; public hearing held this evening; appears in its entirety on page 153 of the 2004 Minutes Book).
AT THE CALL OF THE CHAIR VOTE WAS TAKEN ON THE FOREGOING ORDINANCE AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

LOCAL LAW

LOCAL LAW NO. 3 OF 2004 – SEWER RATES WAS PRESENTED TO COUNCIL (Introduced on July 19, 2004; public hearing held this evening; appears in its entirety on page 155 of the 2004 Minutes Book)

Prior to the vote on the foregoing local law, Mayor Graham remarked that the blended rate for this is around 8%. However, it is still substantially above the CPI, which will have an impact on the property owners. Mayor Graham asked about outside user fees.

Mr. Pilon explained that outside users are all by contract and a different formula is used to calculate their fees.

Mrs. Corriveau explained that the sewer bill for the Town and DANC are based on actual costs. She explained that we have lower flows now. The percentage of total volume for outside users has increased.

Councilman Clough asked if the rate could be changed if the City finds the flow is much higher.

Mrs. Corriveau responded that Council could amend the rates at any time.

Mayor Graham asked what would happen if this was defeated.

Mrs. Corriveau explained that the City would still provide sewer services but the budget would have to be re-adopted.

Councilman Bradley asked about the additional income from the NYS Rte.3 project and asked if the rate would be adjusted if the City sees significant increase.

Mrs. Corriveau explained that this could be reviewed in the fall. She also commented that the lower flows are a trend throughout the country as consumption of water is going down due to low flow toilets, showerheads, etc.

AT THE CALL OF THE CHAIR VOTE WAS TAKEN ON THE FOREGOING LOCAL LAW AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

Annual Reassessment Program Presentation

Mrs. Norfolk addressed the chair presenting the annual reassessment program information. She updated Council members on the history of assessing in the City from 1992-2004 and explained the 1992 revaluation project and the 2000 reassessment plan, which was adopted by the Council. Mrs. Norfolk discussed the principles of annual assessment and explained the meanings of reappraisal and trending. She outlined the benefits of an annual plan. She also explained that under this plan, the NYS Office of Real Property Tax Services performs annual utility advisory appraisals and complex industrial appraisals.

Councilwoman Burns stated that she didn't want the misconception that the City had to be in the plan in order to have the state do those assessments.

Mrs. Norfolk responded that this is correct. However, by being in the plan, the City is given priority and doesn't end up on a waiting list.

Councilwoman Burns commented that the state provides this service to all whether or not they are in the plan. She also commented that she has concerns about the Barben-Green area. She stated that it seems like they were hit three years in a row and she asked if this had leveled off.

Mrs. Norfolk explained that this neighborhood was updated only once. However, the east side of Washington Street was done twice – first with a 3.7% trend increase and then with an inspection. She commented that Barben-Green continues to increase in value. She stated that there would be a 10% to 20% increase again due to the increase in market based sales across the board in the City of Watertown. She commented that we should stay current with the market.

Councilman LaBouf asked about each property being physically inspected.

Mrs. Norfolk stated that they are. She explained that values are only as good as the data inventory on the record.

Mayor Graham asked if the City runs the risk of profound distortion in some areas and the risk of a tax base switch to residential instead of commercial.

Mrs. Norfolk responded that there is a risk of shifting the burden.

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COUNCIL DISCUSSED THE FOLLOWING TOPICS:

Merline Avenue

Councilman Clough asked for an update.

Mrs. Corriveau explained that Mr. Pilon has put together information on Merline Avenue and other streets in the same situation. The report will be available for Council at the next regular meeting. She explained that Mr. Pilon had spoken with one Merline Avenue resident and she had also spoken with another. She explained that there are a number of streets in the same situation.

Councilman Clough responded that when there was a problem with Lillian Street, Council acted on Lillian Street only. He questioned the need to look at the other streets where residents aren't complaining. He stated that he didn't think that was right.

Mrs. Corriveau remarked that it is not just Merline Avenue that is being impacted at this time. Other streets are also being impacted right now.

Sidewalk Program

Councilwoman Burns commented that she is pleased to see the program going along so far. She stated that she is hearing all positive things about the program.

Library Changes

Councilwoman Burns remarked that patrons are very pleased with the many small changes made at the library.

Veteran's Memorial Walkway

Councilwoman Burns asked Council members to think about not allowing vehicular traffic on the walkway any longer as it does not seem to be working out well.

Mayor Graham asked if there was vandalism in the restrooms there and questioned if they should be looked at a certain time.

Mrs. Corriveau stated that there has been vandalism there ever since the bathrooms were put in. She stated that she doesn't know if there are times that the bathrooms are closed. She will have staff prepare a report on it.

Councilman Bradley asked if the City owns from the walkway down to the river. He stated that when he was down there, he couldn't see the river because of the brush.

Councilwoman Burns wondered if this could be a project for volunteers, taking into consideration the steep area.

Mrs. Corriveau remarked that it is a cliff edge. At one time, it was thought that World Changers could do this. Due to the location, however, the decision was made not to have them clear this area. She commented that this area is also the view that you see from the other side of the river. Therefore, all the foliage should not be removed. She will have staff do a report on it.

Mrs. Corriveau reminded Council of the suggestion to hold a Council meeting down there.

Councilwoman Burns stated that she has no objection if ample word goes out to the public as to where the meeting will be.

Mayor Graham remarked that he didn't want to make a quick decision on that this evening.

Seward Street Parking

Councilman Clough asked about this.

Mrs. Corriveau explained that Chief Piche has indicated that unless there is a concern from the residents, he doesn't see a problem with parking on the hill.

Councilman Clough remarked that there was concern by the residents and that is why he had asked that it be looked into.

Mayor Graham commented that he thinks parking on the hill would be hazardous. However, it should be up to the residents.

Mrs. Corriveau will speak with Chief Piche about this and suggested that the Community Police Officer could talk with the residents.

Neighbors of Watertown Survey

Councilman LaBouf explained that an intern with Neighbors of Watertown had contacted him about doing survey. He wanted to make sure that as a member of Council, it was all right to do.

Mrs. Corriveau explained that this is an income survey for people on the East side in conjunction with the NESNID project work and Councilman LaBouf's neighbors will also be surveyed.

Delaney Property

Mayor Graham stated that this property on Meadow Street is still overgrown. He stated that he understands the requirements of giving notice. However, there is a limit as to what the neighbors can stand.

Mrs. Corriveau stated that DPW cut the grass back 10' along the perimeter and that is all that is required by Code. She stated that she had spoken with the neighbor and explained how the process works.

Mayor Graham responded that DPW cuts grass on other lots and they don't usually just cut 10'. He stated that he doesn't see why this is not in the public interest to cut the entire area.

Attorney Slye explained that the 10' cut back is primarily a rodent issue.

Mayor Graham remarked that the neighbors have already said that there are rodents on the property.

Mrs. Corriveau commented that if it is Council's desire to have DPW mow all the property, they could do it.

Council concurred.

Mrs. Corriveau will notify Codes and have them deal with this.

Kayaking Event Schedule

Mayor Graham asked about Council receiving a copy of the schedule.

Mrs. Corriveau will get a copy to them as soon as it is available. She stated that at the present time she only knows that the preliminaries are on August 27th with the semi-finals being held on the 28th and the finals on the 29th.

Meetings with Town of Watertown

Mayor Graham asked if there were any tentative dates for these meetings. Mrs. Corriveau explained that no dates had been set yet. However, Mr. Simao's petition would strand a piece of county owned property. Therefore, the City has contacted the County to see what their position on this would be.

Housing Developments & Cloverdale Apartments

Mayor Graham referred to an article in the paper concerning the future need for housing developments. He advised that he has asked for a letter to be drawn up for his signature inviting housing developers to develop within the City.

Mayor Graham asked about Cloverdale. He commented that if a house in a nice neighborhood was boarded up for 12 years, it wouldn't be allowed. However, it has been allowed on this property. He stated it should either come down or be redeveloped. Presently, it is irresponsible stewardship of property. He said priority should be given to this property.

Mrs. Corriveau explained that they have contacted the Watertown Housing Authority's attorney and he had never gotten back to the City concerning what the ties on the property are. Mrs. Corriveau will also contact Senator Wright concerning the state ties on the property.

ADJOURNMENT

AT THE CALL OF THE CHAIR MEETING WAS DULY ADJOURNED AT 8:36 P.M. BY MOTION OF COUNCILMAN CLOUGH, SECONDED BY COUNCILMAN BRADLEY AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

Donna M. Dutton

City Clerk